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COMPULSORY LAW-SCHOOL ATTENDANCE. — The position taken by the New York authorities in increasing the requirements for admission to the Bar has been most gratifying. A further improvement is now advocated by the Board of Law Examiners of that State. In a paper read before the recent meeting of the State Bar Association at Albany, Mr. Franklin M. Danaher, speaking for the Board, strongly recommends the successful completion of at least a full two years' course of study in an approved law school as a requisite for admission. According to the Examiners, the clerk system of the present day, though by no means valueless, furnishes nevertheless an insufficient training for professional life; and they find the solution of the problem in the suggested requirement. That compulsory law-school attendance would result in greatly improving the general character of the Bar, and in adding to its usefulness, there can be no doubt. Apparently, too, there exist on valid objections to the adoption of such a plan. It is true that many able and successful lawyers have not had the advantages of a well equipped law school, but for the more exacting demands that the future promises to make upon the legal profession there must be a more thorough preparation than there has ever been in the past. Furthermore, few worthy of attaining success at the Bar would be deterred from entering the profession by this added requirement, and, as was remarked by Mr. Justice Brewer in his excellent address entitled "A Better Education the Great Need of the Profession," there are certainly many who really "ought to be deterred." The medical profession has for some time required of applicants for admission an attendance at some approved school, and the profession of law should not be slow in making a similar provision, both for its own protection and for the benefit of society in general.

CAN A MAN BE COMPELLED TO VOTE? — The legislature of Missouri recently devised a novel scheme for making the exercise of the right of suffrage compulsory. A provision was inserted in the charter of Kansas City to the effect that every qualified voter who failed to vote at a regu-

lar election should be fined $2.50. This was a bold attempt to bring out the stay-at-home vote, and would very likely have met with considerable success. Unfortunately, however, a delinquent voter objected to paying the fine, the matter was taken into the courts, and the provision in the city charter was declared unconstitutional. The opinion of the court has not yet come to hand, but so far as can be learned from the quotations that have appeared in newspapers and legal journals, it consists largely of talk about the degradation of the franchise which results from associating it with the money value of a vote. Unless there is some peculiar provision in the Missouri Constitution, the decision seems wrong. In the ordinary constitution the only clause which an enactment like that in question could violate is that which guarantees liberty to every citizen. If the word "liberty" be given the very broad meaning, which courts to-day often ascribe to it, of liberty to enjoy all civil rights, possibly it is unconstitutional to compel a man to vote. But that the framers of the Constitution in all probability used the word in its primary and natural sense of mere freedom from bodily restraint, is clearly the better view. See an article on the subject by Mr. Charles E. Shattuck, in 4 HARVARD LAW REVIEW, 365. With that clause of the Constitution out of the way, it is hard to see why the legislature has not the power to make the exercise of the right of suffrage a legal duty. Whether or not such an experiment would lead to satisfactory results is another question.

TRIAL BY EIGHT JURORS. — Among the extensive changes in the jury system made by the recent Constitution of Utah is the provision that, "In courts of general jurisdiction, except in capital cases, a jury shall consist of eight jurors." In *State* v. *Bates*, 47 Pac. Rep. 78, it was contended that in a criminal case it is a violation of the Fourteenth Amendment to have but eight jurors." The court, however, shortly and effectively disposes of the objection. The amendment does not define the privileges and immunities of citizens of the United States, but, whatever they are, the power of a State to establish tribunals is not limited by the provision. Nor are twelve jurors necessary to due process of law, which is a requirement of trial according to law, both as to the substance of the crime and the mode of procedure. It does not determine what is crime, nor does it establish any mode of procedure. It is a shield against the exercise of arbitrary power, but does not prevent changes in the law.

This is an interesting decision, more for the novelty of the question than for any difficulty. In most State constitutions the trial of crimes by a common-law jury of twelve is secured. The case of *Copp* v. *Henniker*, 55 N. H. 179, is instructive on the scope of such provisions. It is well settled that in civil actions trial by jury is not necessary. *Walker* v. *Sauvinet*, 92 U. S. 90. See also *Higgins* v. *Farmers' Ins. Co.*, 60 Iowa, 50, where there was a jury of six. But no real distinction can be drawn in this respect between civil and criminal cases. In *Hurtado* v. *California*, 110 U. S. 516, the Supreme Court decided that indictment by a grand jury is not necessary. The same principle was involved.

The Constitution of Utah also provides that, "In civil cases, three fourths of the jurors may find a verdict." An agitation for some such change has recently been started in New York, in order to prevent one or two obstinate jurors from forcing the others to render an unreasonable